IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
) Group Art Unit: 2174
Frank A. HUNLETH et al.)
) Examiner: Le V. Nguyen
Application No.: 10/768,234)
) Confirmation No. 8670
Filed: January 30, 2004)
)
For: METHODS AND SYSTEMS)
    FOR GENERATING A)
    ZOOMABLE GRAPHICAL)
    USER INTERFACE)

NEW APPEAL BRIEF PURSUANT TO 37 C.F.R § 41.37

Sir:

Further to the Notice of Appeal filed on November 9, 2009 and in connection with the above-identified application submitted herewith is a New Appeal Brief. An initial Notice of Appeal has been filed on December 18, 2008 and an Appeal Brief has been filed on February 18, 2009. In response to the filed Appeal Brief, a non-final Office Action has been issued on August 7, 2009, reopening the prosecution. The previous appeal is reinstated and the present New Appeal Brief presents arguments why the rejections of the last Office Action should be reversed.

(i) **REAL PARTY IN INTEREST**

The real party in interest is the assignee, Hillcrest Laboratories, Inc.

(ii) **RELATED APPEALS AND INTERFERENCES**

To the best of the undersigned's knowledge, there is an appeal procedure in

Serial No. 10/768,432, which may be related to this appeal. An Appeal Brief has been

filed in Serial No. 10/768,432 on February 10, 2009.

(iii) **STATUS OF CLAIMS**

Claims 15-19, 23-28, 32-37, and 41-56 are currently pending, have all been

rejected two or more times, and are all the subject of this appeal. Claims 1-14, 20-22,

29-31, and 38-40 have been cancelled without prejudice. A clean copy of Claims 15-19,

23-28, 32-37, and 41-56 is attached in the Claims Appendix.

(iv) **STATUS OF AMENDMENTS**

No Amendments have been submitted in this application subsequent to the

Notice of Appeal of December 18, 2008 and the New Notice of Appeal filed on

November 9, 2009. The New Notice of Appeal has been filed in response to the Non-

Final Office Action of August 7, 2009, which is a fourth Office Action.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

According to exemplary embodiments, zoomable graphical user interfaces provide users with the capability to browse a large (or small) number of media items rapidly and easily as disclosed, for example, in the originally filed specification at paragraph [0045]. Plural images are aligned relative to one another as shown in Figure 17, in rows and columns. A user may move a cursor 508 (see Figure 5) over one of the images (for example genre 3, element 552 in Figure 5) which results in enlarging the one of the images as shown either in Figure 6, element 552 or element "Apollo 13" in Figure 19. The enlarged image Apollo 13 in Figure 19 overlaps at least one other image, for example, image "Chicago".

As shown in Figure 20, the selected one of the images (Apollo 13) may displayed together with additional information (text information in Figure 20) while the other images shown in Figure 18 (for example "Chicago") are not displayed. The selected image Apollo 13 is also enlarged as shown in Figure 20. When an input is received about one of the images of Figure 18, a media item associated with the image is launched as disclosed in paragraph [0075].

Independent Claim 15 is directed to a method for interfacing with a plurality of images (see Figure 18), where each of the plurality of images represents a selectable media item (see specification, paragraph [0002]). The method includes a step of displaying the plurality of images aligned relative to one another in rows and columns (see Figure 17 and paragraph [0072]) at a first semantic level of a user interface and

moving a cursor (see element 508 in Figure 5 and paragraph [0039]) over one of the

plurality of images (see Figure 5 and/or 17). The method includes enlarging (see Figure

19, image corresponding to movie Apollo 13 being enlarged) the one of the plurality of

images (Apollo 13 in Figure 19) in response to the cursor movement, where the one of

the plurality of images (Apollo 13 in Figure 19) overlaps at least one of the plurality of

images (Chicago in Figure 19) at the first semantic level of the user interface. The

method includes displaying (see Figure 20 or Figures 15(a) and (b)) the one of the

plurality of images (Apollo 13 in Figure 20) together with additional information (see

Figure 15(b) or Figure 20 showing image and associated text information) associated

with the one of the plurality of images (Apollo 13 in Figure 20) while non-displaying the

remaining of the plurality of images (Chicago in Figure 18 is not shown in Figure 20),

after enlarging the one of the plurality of images (Apollo 13) and prior to launching a

media item (movie Apollo 13) represented by the one of the plurality of images. The

method includes receiving (see paragraphs [0073] and [0075]) a selection input

associated with the one of the plurality of images (Apollo 13) and launching (see

paragraph [0075]) the media item represented by the one of the plurality of images

(Apollo 13).

Independent Claim 24 is directed to a user interface. The user interface includes

means for displaying (at least one of processor 300 shown in Figure 4 and screen 212

shown in Figure 3) a plurality of images (see Figure 17), where each of the plurality of

images represents a selectable media item aligned relative to one another in rows and

columns at a first semantic level of a user interface (see Figure 17). The user interface

also includes means for moving (processor 300 in Figure 4 and primitive SCROLL 1902

in Figure 22 and paragraph [0079]) a cursor (element 508 in Figure 5) over one (Apollo

13) of the plurality of images and means for enlarging (processor 300 in Figure 4 and

primitive ZOOM 1902 in Figure 22 and paragraph [0079]) the one (Apollo 13) of the

plurality of images in response to the cursor movement, where the one of the plurality of

images (Apollo 13 in Figure 19) overlaps (see Figure 19) at least one of the plurality of

images (Chicago in Figure 19) at the first semantic level of the user interface. The user

interface includes means for displaying (processor 300 in Figure 4 and one or more

primitives disclosed in paragraph [0079]) the one of the plurality of images (Apollo 13)

together with additional information (see text data in Figure 20, next to Apollo 13 image,

or Figures 15(a) and (b)) associated with the one of the plurality of images while non-

displaying the remaining of the plurality of images (Chicago in Figure 18), after

enlarging the one of the plurality of images (Apollo 13 in Figure 20 or see Figures 15(a)

and (b)) and prior to launching a media item represented by the one of the plurality of

images. The user interface includes means for receiving (element 310 in Figure 4) a

selection input associated with the one of the plurality of images and means for

launching (one of the primitives 1902 of Figure 22) the media item represented by the

one of the plurality of images.

Independent Claim 33 is directed to a computer-readable medium containing

instructions which, when executed on a computer, perform the steps of displaying the

plurality of images aligned relative to one another in rows and columns (see Figure 17

and paragraph [0072]) at a first semantic level of a user interface and moving a cursor

(see element 508 in Figure 5 and paragraph [0039]) over one of the plurality of images

(see Figure 5 and/or 17). The method includes enlarging (see Figure 19, image

corresponding to movie Apollo 13 being enlarged) the one of the plurality of images in

response to the cursor movement, where the one of the plurality of images (Apollo 13 in

Figure 19) overlaps at least one of the plurality of images (Chicago in Figure 19) at the

first semantic level of the user interface. The method includes displaying (see Figure 20

or Figures 15(a) and (b)) the one of the plurality of images (Apollo 13 in Figure 20)

together with additional information (see Figure 15(b) or Figure 20 showing image and

associated text information) associated with the one of the plurality of images (Apollo 13

in Figure 20) while non-displaying the remaining of the plurality of images (Chicago in

Figure 18 is not shown in Figure 20), after enlarging the one of the plurality of images

(Apollo 13) and prior to launching a media item (movie Apollo 13) represented by the

one of the plurality of images. The method includes receiving (see paragraphs [0073]

and [0075]) a selection input associated with the one of the plurality of images (Apollo

13) and launching (see paragraph [0075]) the media item represented by the one of the

plurality of images (Apollo 13).

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A number of grounds of rejection are raised by the Examiner and listed below. Appellants request review of all the grounds of rejection on appeal.

Claims 15-19, 23-28, 32-37, 41-43, 46-48, 51-53, and 56 were rejected under 35 U.S.C. § 103(a) as unpatentable over Daily et al. (U.S. Patent Publication No. 2004/0123320, herein "Daily") in view of Chi et al. (U.S. Patent No. 7,028,053).

Claims 44, 45, 49, 50, 54 and 55 were rejected under 35 U.S.C. § 103(a) as unpatentable over Daily in view of Chi, and Johnston et al. (U.S. Patent No. 5,561,444, herein "Johnston").

(vii) **ARGUMENT**

A. The rejection of Claims 15-19, 23-28, 32-37, 41-43, 46-48, 51-53, and 56 is
improper

I. Neither Daily nor Chi teaches or suggests displaying, enlarging and overlapping
images at a first semantic level

The independent claims have been discussed above. As independent Claim 15

recites representative features that are not found in the applied art, the following

discussion is based on Claim 15. However, it applies equally to all of the independent

claims.

Claim 15 specifically recites a step of:

enlarging said one of said plurality of images in response to said cursor
movement, wherein said one of said plurality of images overlaps at least one of said
plurality of images at said first semantic level of said user interface (emphasis added).

In other words, a plurality of images are displayed at a first semantic level of a

user interface as shown, for example, in Figure 18. When moving a cursor over one of

the images, that image (Apollo 13 in Figure 19) is enlarged and overlaps at least

another image (Chicago in Figure 19) at the first semantic level.

Thus, the displaying, enlarging and overlapping of a selected image take place at

the semantic level at which the plurality of images are displayed.

Turning to the applied art, Daily is directed to a method and system for providing

an interactive guide for multimedia selection. More specifically, the interactive guide

system is illustrated in Figure 1(a), in which various categorizes of data (movies, music,

news, etc.) are represented by corresponding icons. A user may select at this layer one category, for example, movies and then the various movies associated with the selected category may be displayed at a next layer, i.e., next semantic level.

In this regard, it is noted that Daily discloses in paragraph [0039] that "[b]y selecting [at a given layer] a category or provider [as shown in Figure 1(a)], the interactive guide dynamically zooms into the **next layer**, displaying the contents of that 'node' within the database of data sources as a panel such as that shown in **FIG. 1**(a)." (emphasis added).

Thus, Daily does not teach or suggest displaying plural images, and enlarging and overlapping a selected image at a same semantic level as recited by Claim 15.

Chi is directed to techniques for browsing through large collections of content by *clustering* the existing data into clusters. The clustering step is described, for example, at column 11, lines 49-60, in which various steps of the flowchart shown in Figure 10 are also discussed.

Chi is silent about displaying plural images, and enlarging and overlapping a selected image at a same semantic level as recited by Claim 15.

Thus, neither Daily nor Chi teaches or suggests the claimed features of displaying plural images at a first semantic level and enlarging and overlapping a selected image with at least another image at the first semantic level. For this reason it is believed that this rejection should be reversed.

II. Neither Daily nor Chi teaches or suggests displaying an image with additional information in a certain sequence

Independent Claim 15 specifically recites, among other things,

displaying said one of said plurality of images together with additional information associated with said one of said plurality of images while non-displaying the remaining of said plurality of images, **after** enlarging said one of said plurality of images and **prior** to launching a media item represented by said one of said plurality of images (emphasis added).

The above noted feature indicates that **after** the enlarging step discussed above but **prior** to launching a media item associated with one of the plurality of images, the one of the plurality of images is displayed with additional information while non-displaying the remaining images of the plurality of images. For example, Figure 19 shows that the selected image (Apollo 13) is displayed in Figure 20 enlarged and additional information (text shown in Figure 20) is also displayed. However, the configuration shown in Figure 20 is displayed after the selected image has been enlarged as shown in Figure 19.

This feature is not addressed by the last Office Action and is also not suggested by the applied art as discussed next.

The last Office Action states on page 3, last seven lines, that Daily discloses "providing additional information associated with the one of the plurality of images after enlarging the one of the plurality of images," as disclosed in paragraph [0037] of Daily.

Daily discloses in paragraph [0037] that

The present invention generally provides a technique for interacting with large databases of program (typically television programs) selections by enabling a user to navigate program and channel information using interactive panning, zooming, and

other operations. Referring to the relationships between components in the database, the database is typically in the form of a graph data structure, and more particularly, it may be in the form of a tree data structure. Furthermore, the data in the database is preferably stored with graphical icons that typically represent the data content. The graphical icons may, for example in the case of audio files, take the form of a symbolic icon generally representing a sound, such as a graphical icon of a musical note or a speaker, or they may take a specific contextual form such as a miniaturized version of an album cover. On the other hand, the data in the database may be stored as a native format representation of the underlying data. In other words, motion picture data could be represented as a miniaturized version of the movie playing, or audio data could be represented as a sound. Using the present invention, users can zoom into visual icons and see expanded channel or program information at higher levels of detail.

It appears that the Examiner relies on the last two lines of this paragraph to assert that a user zooming into visual icons shown in Figures 1(a) or (b) results in additional information (expanded channel or program information) being shown as noted in Figures 2(a) to (c).

However, paragraph [0040] of Daily discloses and Figures 2(a) to (c) show that by zooming Figure 2(a), no additional information is shown but rather an increased clarity of the existing information is provided, i.e., a resolution of already displayed information is increased. In fact, at a closer inspection of Figures 2(a) to (c) it is noted that less information is shown as the zooming is increased (note that Figure 2(c) shows less info that Figure 2(a)) as the same amount of text having a larger size cannot fit in the given window shown in Figure 2(a).

In addition, Daily is silent how the image shown in Figure 2(a) was arrived at. From an inspection of Figure 1(b) and Figure 2(a) it appears that a user selects the icon next to "8mm" in Figure 1(b) and then that icon is shown in Figure 2(a) with certain information. If this is accurate, Daily does not teach or suggest that by selecting the

icon associated with "8mm" in Figure 1(b) the icon is enlarged and overlaps other icons at the semantic layer of Figure 1(b).

Thus, Daily does not teach or suggest displaying the icon associated with "8mm" in Figure 1(b) and displaying additional information **after** enlarging the icon, as recited by Claim 15.

Further, it is not clear whether the icon associated with "8mm" in Figure 1(b) is at all enlarged in Figure 2(a) as Daily is silent about this feature and Figure 2(a) suggests that the icon has the same size as in Figure 1(b).

In other words, Daily does not enlarge the icon associated with "8mm" in Figure 1(b), and for this reason, Daily cannot display the icon with additional information **after** enlarging the icon.

Chi does not cure these deficiencies of Daily.

Thus, it is respectfully requested that this rejection be reversed.

III. The combination of Daily and Chi is improper

The last Office Action states on page 4, first two lines of the first full paragraph that "Daily does not explicitly disclose displaying one of a plurality of images together with additional information associated therewith" and for this reason relies on Chi.

To justify the combination of the teachings of Daily and Chi, the last Office Action considers that it would be obvious to one skilled in the art to modify Daily based on Chi "to provide users with a summary of the displayed image" as disclosed in Chi.

As Figure 2(a) clearly shows, the device of Daily is capable of providing a summary of the displayed image. Thus, it is not clear why Daily should be modified to provide the same functionality as suggested by the Examiner.

However, the functionality shown in Figure 2(a) does not enlarge the icon associated with "8mm" and also does not display an enlarged icon with additional information **after** enlarging the icon. Therefore, the functionality present in Daily does not work as claimed.

For this reason, Applicants respectfully request this rejection be reversed.

All the above arguments apply to all of the independent claims and, therefore, also to the dependent claims which have been rejected.

B. The Rejection of dependent Claims 44, 45, 49, 50, 54 and 55 is improper

Appellants respectfully submit that the rejection of dependent Claims 44, 45, 49, 50, 54 and 55 is improper for the reasons discussed above with regard to independent Claim 15.

Conclusions

For the reasons discussed above, reversal of all outstanding rejections is respectfully requested.

Respectfully submitted,

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(viii) **CLAIMS APPENDIX**

15. A method for interfacing with a plurality of images, wherein each of said plurality of images represents a selectable media item, the method comprising:

displaying said plurality of images aligned relative to one another in rows and columns at a first semantic level of a user interface;

moving a cursor over one of said plurality of images;

enlarging said one of said plurality of images in response to said cursor movement, wherein said one of said plurality of images overlaps at least one of said plurality of images at said first semantic level of said user interface;

displaying said one of said plurality of images together with additional information associated with said one of said plurality of images while non-displaying the remaining of said plurality of images, after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images;

receiving a selection input associated with said one of said plurality of images; and

launching said media item represented by said one of said plurality of images.

16. The method of claim 15, wherein when said cursor is not positioned over any one of said images, none of said plurality of images overlap any other of said plurality of images.

17. The method of claim 15, wherein said one of said plurality of images, when enlarged, overlaps each image adjacent thereto.

18. The method of claim 15, wherein said plurality of images are static.

19. The method of claim 15, wherein said plurality of images are movie cover

art.

23.   The method of claim 15, wherein said enlarging of said one of said plurality of images indicates that said one of said plurality of images currently has a focus of an interface and that said a media item represented by said one of said plurality of images can be selected.

24.   A user interface comprising:

means for displaying said plurality of images wherein each of said plurality of images represents a selectable media item aligned relative to one another in rows and columns at a first semantic level of a user interface;

means for moving a cursor over one of said plurality of images;

means for enlarging said one of said plurality of images in response to said cursor movement, wherein said one of said plurality of images overlaps at least one of said plurality of images at said first semantic level of said user interface;

means for displaying said one of said plurality of images together with additional information associated with said one of said plurality of images while non-displaying the remaining of said plurality of images, after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images;

means for receiving a selection input associated with said one of said plurality of images; and

means for launching said media item represented by said one of said plurality of images.

25.   The user interface of claim 24, wherein when said cursor is not positioned over any one of said images, none of said plurality of images overlap any other of said plurality of images.

26.   The user interface of claim 24, wherein said one of said plurality of images, when enlarged, overlaps each image adjacent thereto.

27.   The user interface of claim 24, wherein said plurality of images are static.

28.   The user interface of claim 24, wherein said plurality of images are movie cover art.

32.   The user interface of claim 24, wherein said means for enlarging of said one of said plurality of images indicates that said one of said plurality of images currently has a focus of an interface and that said media item represented by said one of said plurality of images can be selected.

33.   A computer-readable medium containing instructions which, when executed on a computer, perform the steps of:
    displaying a plurality of images wherein each of said plurality of images represents a selectable media item aligned relative to one another in rows and columns at a first semantic level of a user interface;
    enabling movement of a cursor over one of said plurality of images;
    enlarging said one of said plurality of images in response to said cursor movement, wherein said one of said plurality of images overlaps at least one of said plurality of images at said first semantic level of said user interface;
    displaying said one of said plurality of images together with additional information associated with said one of said plurality of images while non-displaying the remaining of said plurality of images, after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images;
    receiving a selection input associated with said one of said plurality of images; and

launching said media item represented by said one of said plurality of images.

34.   The computer-readable medium of claim 33, wherein when said cursor is not positioned over any one of said images, none of said plurality of images overlap any other of said plurality of images.

35.   The computer-readable medium of claim 33, wherein said one of said plurality of images, when enlarged, overlaps each image adjacent thereto.

36.   The computer-readable medium of claim 33, wherein said plurality of images are static.

37.   The computer-readable medium of claim 33, wherein said plurality of images are movie cover art.

41.   The computer-readable medium of claim 33, wherein said enlarging of said one of said plurality of images indicates that said one of said plurality of images currently has a focus of an interface and that said a media item represented by said one of said plurality of images can be selected.

42.   The method of claim 15, wherein said step of displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

displaying said one of said plurality of images at a second semantic level of said user interface including, as said additional information, information associated with said media item represented by said one of said plurality of images.

43.   The method of claim 42, further comprising:

providing a transition effect between said display of said one of said plurality of images at said first semantic level of said user interface and said display of said one of said plurality of images at said second semantic level of said user interface.

44.   The method of claim 43, wherein said step of providing a transition effect further comprises:

transitioning from said first semantic level at which said one of said plurality of images is displayed to said second semantic level by:

simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display.

45.   The method of claim 44, further comprising the step of:

animating said translation of said one of said plurality of images from said first location to said second location.

46.   The method of claim 15, wherein said step of displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

displaying said additional information at said first semantic level of said user interface.

47.   The user interface of claim 24, wherein said means for displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

means for displaying said one of said plurality of images at a second semantic level of said user interface including, as said additional information, information associated with said media item represented by said one of said plurality of images.

48.   The user interface of claim 47, further comprising:

means for providing a transition effect between said display of said one of said plurality of images at said first semantic level of said user interface and said display of said one of said plurality of images at said second semantic level of said user interface.

49.   The user interface of claim 48, wherein said means for providing a transition effect further comprises:

means for transitioning from said first semantic level at which said one of said plurality of images is displayed to said second semantic level by:

means for simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display.

50.   The user interface of claim 49, further comprising:

means for animating said translation of said one of said plurality of images from said first location to said second location.

51.   The user interface of claim 24, wherein said means for displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

means for displaying said additional information at said first semantic level of said user interface.

52.   The computer-readable medium of claim 33, wherein said step of displaying additional information associated with said one of said plurality of images after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

displaying said one of said plurality of images at a second semantic level of said user interface including, as said additional information, information associated with said media item represented by said one of said plurality of images.

53.   The computer-readable medium of claim 52, further comprising:

providing a transition effect between said display of said one of said plurality of images at said first semantic level of said user interface and said display of said one of said plurality of images at said second semantic level of said user interface.

54.   The computer-readable medium of claim 53, wherein said step of providing a transition effect further comprises:

transitioning from said first semantic level at which said one of said plurality of images is displayed to said second semantic level by:

simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display.

55.   The computer-readable medium of claim 54, further comprising the step of:

animating said translation of said one of said plurality of images from said first location to said second location.

56.   The computer-readable medium of claim 33, wherein said step of displaying additional information associated with said one of said plurality of images

after enlarging said one of said plurality of images and prior to launching a media item represented by said one of said plurality of images further comprises:

displaying said additional information at said first semantic level of said user interface.

(ix) **EVIDENCE APPENDIX**

None.

(x) <u>RELATED PROCEEDINGS APPENDIX</u>

None.